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TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1937

No. 26

ABRAHAM C. BERMAN, PETITIONER,

vs.

THE UNITED STATES OF AMERICA

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITION FOR CERTIORARI FILED APRIL 12, 1937.

CERTIORARI GRANTED MAY 17, 1937.

SUPREME COURT OF THE UNITED STATES

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JUDD & DETWEILER (INC.), PRINTERS, WASHINGTON, D. C., JULY 6, 1937.

[fol. 1] [Caption omitted]

IN UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

against

LEONARD J. ROLLNICK, Alias Mr. Leonard; ABNER S. WERBLIN, Marshall Ward, Clement H. Congdon, Simon Levin, Abraham C. Berman, Joseph L. Hermanson, Edward Manchel, Herbert Smiler, Alias Sam Harris; Samuel Halpert, Peter J. Greene, Morton B. Gold, Sidney Strauss, Theodore Tetelman, Alias Ted Baldwin; Martin Steinberg, John Hennigan, Henry Dinter and National Investment Transcript, Inc., Defendants

NOTICE OF APPEAL FROM JUDGMENT OF DECEMBER 29, 1936

Name and Address of Appellant: Abraham C. Berman, 365 West End Avenue, New York City.

[fol. 2] Name and Address of Appellant's Attorney: Samuel H. Kaufman, 60 Wall Street, New York City.

Offense: Use of the mails to defraud, violation of Section 215 U. S. Criminal Code (Title 18, Section 338 U. S. C.), and conspiracy to violate Section 215 of the U. S. Criminal Code, in violation of Section 37 U. S. Criminal Code, (Title 18, Section 88 U. S. C.).

Date of Judgment: December 29, 1936.

Brief Description of Judgment or Sentence: A year and a day on Counts 1 to 4 inclusive, and 6 to 19 inclusive, and Count 20, to run concurrently on all Counts and sentence suspended.

The Appellant is Now: On probation.

I, the above-named appellant, hereby appeal to the United States Circuit Court of Appeals for the Second Circuit, from the judgment above mentioned on the grounds set forth below.

Abraham C. Berman, Appellant.

Dated: December 29, 1936.

IN UNITED STATES DISTRICT COURT

GROUNDS OF APPEAL FROM JUDGMENT OF DECEMBER 29, 1936

1. That all of the facts in evidence, together with the inferences which may be drawn therefrom, are insufficient to support a verdict of guilty.

2. That the evidence introduced is as consistent with innocence as with guilt.

[fol. 3] 3. That there is no substantial evidence to establish any or all of the elements of the offenses charged against said appellant.

4. That incompetent, immaterial, inflammatory and prejudicial testimony was admitted in evidence against said appellant.

5. That incompetent, immaterial, prejudicial and inflammatory exhibits were admitted in evidence against said appellant.

6. The verdict of the jury was contrary to law, contrary to evidence and against the weight of the evidence.

7. The preponderance of the evidence established that said appellant did not knowingly mail or cause to be mailed, or deliver or cause to be delivered, any of the letters referred to in Counts 1 to 19, inclusive, of the Indictment.

8. The preponderance of the evidence in the case established that said appellant did not conspire with any of the other defendants to violate Section 215 of the U. S. Criminal Code.

IN UNITED STATES DISTRICT COURT

DOCKET ENTRIES FILED WITH NOTICE OF APPEAL FROM JUDGMENT OF DECEMBER 29, 1936

Date Month	Day	Year	
July	2,	1936.	Filed Indictment.
"	2,	"	Bench Warrant ordered as to each individual defendant. Summons to issue for corporation. Caffey, J.

Docket Entries Filed With Notice of Appeal from Judgment of December 29, 1936—Continued

Date Month	Day	Year	
July	2,	1936.	Filed notice of appearance—Jac. M. Wolff, atty. for deft. Abraham C. Berman.
July	6,	1936.	Abner S. Werblin—Pleads Not Guilty. Bail $2500. Paroled 4 P. M. to give bail—(to be fingerprinted & photographed.

[fol. 4]

July	6,	1936.	Marshall Ward—Pleads Not Guilty—Bail be fingerprinted & photographed). $2500. Paroled 4 P. M. to give bail (to
July	6,	1936.	Abraham C. Berman Pleads Not Guilty—Bail $1000. Paroled 4 P. M. to give bail (to be fingerprinted & photographed).
"	6,	"	Simon Levin—Pleads Not Guilty—Bail $1000. Paroled 4 P. M. to give bail (to be fingerprinted & photographed). Leibell, D. J.
July	3,	1936.	Filed notice of appearance—Marshall Ward Deft. & Paul J. McCauley, atty.
"	3,	1936.	Filed notice of appearance—Abram M. Frumberg, Atty. for Jos. L. Hermanson.
July	7,	1936.	Leonard J. Rollnick Pleads Not Guilty. Bail $5000. Paroled 4 P. M. to give bail—defendant to be fingerprinted & photographed.
July	7,	1936.	Joseph L. Hermanson Pleads Not Guilty—Bail $1000. Paroled 4 P. M. to give bail defendant to be fingerprinted & photographed.
July	7,	1936.	Morton B. Gold Pleads Not Guilty—Bail $500. Paroled 4 P. M. to give bail—defendant to be fingerprinted & photographed. Leibell, D. J.
July	8,	1936.	Samuel Halpert—Pleads Not Guilty—Bail $1500—Paroled 4 P. M. to give bail—Deft. to be fingerprinted & photographed. Leibell, J.
"	8,	"	Theodore Tetelman Pleads Not Guilty. Bail $1000. Paroled 4 P. M. to give bail—Deft. to be fingerprinted & photographed. Leibell, J.